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PATENT APPLICATION

ATTORNEY DOCKET NO. 10017961-2

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Ronald P. Dean et al.

Confirmation No.: 4838

Application No.: 10/618,275

Examiner: T. Le

Filing Date: July 11, 2003

Group Art Unit: 3632

Title: DEFORMABLE MOUNTING BRACKET

Mail Stop Appeal Brief - Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on May 4, 2006.

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

No fee is required for filing of this Reply Brief.

If any fees are required please charge Deposit Account 08-2025.

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Date of Deposit: June 30, 2006

Typed Name: Lisa deCordova

Signature: Lisa deCordova

Respectfully submitted,

Ronald P. Dean et al.

By R. Ross Viguet

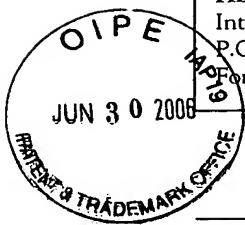
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Docket No.: 10017961-2
(PATENT)

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In re Patent Application of:
Ronald P. Dean et al.

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For: DEFORMABLE MOUNTING BRACKET

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APPELLANT'S RESPONSE TO EXAMINER'S ANSWER (37 CFR 1.193(B))

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ATTENTION: BOARD OF PATENT APPEALS AND INTERFERENCES

As required under § 41.41(a)(1), this Reply Brief is filed within two months of the Examiner's Answer dated May 4, 2006, and is in furtherance of the Amended Appeal Brief filed on February 9, 2006.

No fee is required for this REPLY BRIEF.

This brief contains items under the following headings:

- | | |
|-----|------------|
| I. | Remarks |
| II. | Conclusion |

I. REMARKS

Claims 1-7, 10-16, and 21-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Joss et al. (U.S. Patent No. 5,823,495, hereinafter *Joss*). Final Office Action at page 3. In response to these rejections, Appellant presented arguments showing that each of claims 1, 3-7, 10-12, 14-16, and 21-23 contains features that are not taught, or even suggested by *Joss*. See Amended Appeal Brief at pages 5-14.

For example, Appellant has shown that *Joss* does not teach or suggest “a deforming element configured from a resiliently-deformable surface, wherein said deforming element increases a deformability of said resiliently-deformable surface,” as recited in independent claim 1. See Appended Appeal Brief at pages 5 and 6. According to *Joss*, spring 118 is not a portion of planar surface 104, but is instead attached thereto via rivet 130. *Joss* at col. 2, lines 54-56. Accordingly, *Joss* is insufficient to meet every element of independent claim 1 under 35 U.S.C. § 102.

Appellant has also shown that *Joss* does not teach or suggest that “said fastening creates a thermal interface between said computer-mounted device and said sidewalls,” as recited in independent claim 21. See Amended Appeal Brief at page 13. In fact, *Joss* teaches the use of pads 114 for creating an insulating layer rather than a thermal interface. *Joss* at col. 2, lines 44-46. Accordingly, *Joss* is insufficient to meet every element of independent claim 21 under 35 U.S.C. § 102.

The Examiner has had an opportunity to rebut these arguments in the Examiner’s Answer. In fact, the Manual of Patent Examining Procedure specifically requires that:

[f]or each rejection under 35 U.S.C. 102 or 103 where there are questions as to how limitations in the claims correspond to features in the prior art . . . the examiner **must** compare at least one of the rejected claims feature by feature with the prior art relied on in the rejection. The comparison must align the language of the claim side-by-side with a reference to the specific page, line number, drawing reference number, and quotation from the prior art, as appropriate.

M.P.E.P. § 1207.02(A)(9)(e) (emphasis added). Nonetheless, the Examiner’s Answer merely referenced the same grounds of rejection made in the Final Office Action and did not address any of the arguments raised in the Amended Appeal Brief. See Examiner’s Answer at page 4.

As such, the Examiner's Answer does not comply with Office policy. Appellant respectfully reasserts that claims 1-7, 10-16, and 21-23 are patentable over the rejections of record at least for the reasons presented in the Amended Appeal Brief.

The Examiner has also rejected claims 1-4, 6-9, 12, 21, and 24 under 35 U.S.C. § 102(b) as being anticipated by Ramsdell (U.S. Patent No. 5,344,032, hereinafter *Ramsdell*). Final Office Action at page 5. In response to these rejections, Appellant presented arguments showing that each of claims 1, 2, 4, 6, 8, 9, 12, and 21 contains features that are not taught, or even suggested by *Ramsdell*. See Amended Appeal Brief at pages 14-19.

For example, Appellant has shown that *Ramsdell* does not teach or suggest "a pair of attachment members disposed on opposite sides of and attached to said surface and adapted to interface with the device upon deformation of said deforming element," as recited in independent claim 1. See Amended Appeal Brief at pages 14 and 15. According to *Ramsdell*, a single cover 19 is provided with respect to liner 20, and thus "a pair of attachment members disposed on opposite sides of and attached to said surface" is not shown. Moreover, liner 20 prevents *Ramsdell*'s gun from interfacing with cover 19. Accordingly, *Ramsdell* is insufficient to meet every element of independent claim 1 under 35 U.S.C. § 102.

Appellant has also shown that *Ramsdell* does not teach or suggest that "said fastening creates a thermal interface between said computer-mounted device and said sidewalls," as recited by independent claim 21. See Amended Appeal Brief at page 18. In fact, *Ramsdell* is directed to a gun holder for vehicles, and does not disclose a computer-mounted device. *Ramsdell* at Abstract. Accordingly, *Ramsdell* is insufficient to meet every element of independent claim 21 under 35 U.S.C. § 102.

Again, the Examiner's Answer merely referenced the same grounds of rejection made in the Final Office Action and did not address any of the arguments raised in the Amended Appeal Brief. See Examiner's Answer at page 4. As such, the Examiner's Answer does not comply with Office policy. Appellant respectfully reasserts that claims 1-4, 6-9, 12, 21, and 24 are patentable over the rejections of record at least for the reasons presented in the Amended Appeal Brief.

II. CONCLUSION

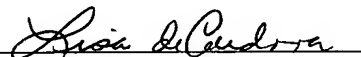
Appellant believes that each of the pending claims is in condition for allowance, and respectfully requests that the rejections of record be overturned.

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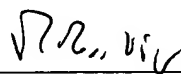
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